IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6239 of 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.R.S. Apte i/b. Mr. N.R. Bubna, for the Petitioners

Mrs. S.S. Bhende, AGP for Respondents

CORAM : F.I. REBELLO & S.P. KUKDAY, JJ.
DATED : 7TH APRIL, 2005
P.C.

▪ Respondents to file affidavit disclosing the basis on which they had demanded the N.A. Assessment. Learned Counsel for the petitioners points out that the respondents have not denied that for the assessment year 1991-92 the assessment was Rs.97,200/-. Once that be the case the respondents could not have charged N.A. assessment more than 3 times as set out therein. On behalf of the respondents learned Counsel points out that the assessment for the year 1991-92 was done based on the provisions of Section 116 of the Land Revenue Code. That Section has been repealed. N.A. assessment has now to be done in terms of Section

113(2)(c)

of the Land Revenue Code. It has been done

and the petitioner can have no grievance.

2. Considering the controversy to our mind the ends of justice would be met if the respondents are directed not to act on the demand made by them. In the meantime the petitioners, if so advised, to make representation within 8 weeks from today to the Tahsildar. The Thasildar on receiving such representation to dispose of the same within 8 weeks thereafter either modifying the demand or amending the demand or such other appropriate order which he thinks fit and proper. Until then and for a period of four weeks on the fresh order being passed the demand notice or as amended not to be executed. Needless to say that all issues are left open for consideration.

2. With the above observation petition stands disposed of. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)